IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 26610 of 2006(P)

PETITIONER:

S.N.SOBHAN LAL, S/O.LATE SOBHANAN,
S.N.HOUSE, KOTTUKALKONAM, KATTACHALKUZHI P.O.,
BALARAMAPURAM, THIRUVANANTHAPURAM DIST.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE,
THIRUVANANTHAPURAM RURAL, KOWDIAR,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 9-2003 BEFORE THE 1ST RESPONDENT.
EXT.P2:	COPY OF THE DRAFT CHARGE IN CRIME NO.156/2003 OF THE BALARAMAPURAM POLICE STATION.
EXT.P3:	COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.155/2003 REGISTERED ON THE BASIS OF THE COMPLAINT GIVEN BY THE FATHER OF THE PETITIONER.
EXT.P4:	COPY OF THE JUDGMENT IN O.S.254/2003 OF THE FIRST ADDITIONAL MUNSIFF"S COURT, NEYYATTINKARA.
EXT.P5:	COPY OF THE JUDGMENT IN O.S.247/2003 OF THE PRINCIPAL MUNSIFF'S COURT, NEYYATTINKARA.
EXT.P6:	COPY OF THE COMPLAINT NO.1500/2005 FILED BY THE PETITIONER ALONG WITH HIS MOTHER BEFORE THE KERALA LOK AUKTHA.
EXT.P7:	COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 16.2.2006 IN W.P.C).NO.2262/2006.
EXT.P8:	COPY OF THE FORWARDING LETTER FORWARDING THE JUDGMENT AS WELL AS THE COPY OF THE WRIT PETITION WITH EXHIBITS OF W.P.(C). 2262/2006 BEFORE THE 1ST RESPONDENT.
EXT.P9:	COPY OF THE G.O.(RT).NO.2193/2006/HOME DATED 26.9.2006.
EXT.P10:	COPY OF THE ORDER DATED 13.12.2006 OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT-III NEYYATTINKARA IN C.C.699/2003.

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BKN // TRUE COPY//

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.26610 of 2006 (P)

Dated this the 22nd June, 2007.

JUDGMENT

The petitioner was an applicant under the dying-in-harness scheme. His claim was rejected by the Government,, by Ext.P9 order, on the ground that he is an accused in a criminal case, C.C.699 of 2003, pending before the Judicial Magistrate of the First Class-III, Neyyattinkara. His case was not recommended for appointment by the District Collector and also by the Department Head, the Director General of Police. Taking note of their views and also in view of the fact of pendency of the criminal case against the petitioner, his application was rejected under Ext.P9. Petitioner submits that subsequently, the criminal case was compounded and he stands acquitted, as is evident from Ext.P10 order. So, he prays for quashing Ext.P9 and also for a further direction to reconsider his claim.

2. Heard the learned Government Pleader for the respondents.

3. I feel that the contention of the petitioner has to be accepted. The District Collector,

as well as the the Director General of Police declined to recommend the petitioner's case, because of the pendency of the above said criminal case. Since the case has already been compounded, I feel that the matter requires to be reconsidered. Accordingly, Ext.P9 is quashed. The petitioner shall produce a copy of Ext.P10 before the Government. In that event, the first respondent shall consider and pass fresh orders on the claim of the petitioner, in accordance with law, within two months from the date of production of a copy of this judgment.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.